

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH PETER SALADINO,

Plaintiff,

-against-

ALEXANDRIA OCASIO-CORTEZ,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/9/2019

1:19-cv-6498-GHW

ORDER TO SHOW CAUSE

GREGORY H. WOODS, United States District Judge:

Plaintiff commenced this *pro se* action on July 11, 2019, alleging that Defendant United States Representative Alexandria Ocasio-Cortez (“Representative Ocasio-Cortez”) violated his constitutional rights by blocking him from following her Twitter account. In the complaint, Plaintiff alleges that the Court has original jurisdiction over the case under 28 U.S.C. § 1331. The complaint, however, does not allege the basis for venue in this District. “A civil action in which a defendant is an officer or employee of the United States . . . may . . . be brought in any judicial district in which (A) a defendant in the action resides, (B) a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (C) the plaintiff resides if no real property is involved in the action.” 28 U.S.C. § 1391(e)(1). The Court observes that Plaintiff resides in Staten Island, which is in Richmond County, New York. In the complaint, Plaintiff lists Representative Ocasio-Cortez’s address as located in Jackson Heights, which is in Queens County, New York. Neither Staten Island nor Queens is within this Court’s judicial district, however. The federal district court that has jurisdiction over Queens and Staten Island is the Eastern District of New York. *See* 28 U.S.C. § 112(c) (“The Eastern District comprises the counties of Kings, Nassau, Queens, Richmond, and Suffolk . . .”). The Eastern District of New York has a courthouse located at 225 Cadman Plaza East, Brooklyn, New York 11201.

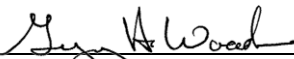
Accordingly, the Court is inclined to transfer this case to the Eastern District of New York pursuant to 28 U.S.C. § 1406(a). *See id.* (“The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.”).

Plaintiff is therefore ORDERED TO SHOW CAUSE no later than August 23, 2019 as to why this action should not be transferred to the Eastern District of New York. In the alternative, if Plaintiff is willing to transfer this action to the Eastern District of New York to be litigated in a courthouse located in Brooklyn, the Court requests that he submit a letter stating that he consents to the transfer of this action to the Eastern District of New York by August 23, 2019.

The Clerk of Court is directed to mail a copy of this order to Plaintiff by first-class and certified mail.

SO ORDERED.

Dated: August 9, 2019
New York, New York



GREGORY H. WOODS
United States District Judge